

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

No. 1:08-cr-37

-v-

HONORABLE PAUL L. MALONEY

FRANCISCO CHAVEZ-SEBASTIAN,
Defendant.

ORDER DISMISSING DEFENDANT'S MOTION FOR
CERTIFICATE OF APPEALABILITY

Defendant Chavez-Sebastian filed a motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255. This court denied the motion on September 9, 2009. (Dkt. No. 195.) In that order, the court denied Defendant a certificate of appealability. On September 25, 2009, Defendant filed a motion for a certificate of appealability. (Dkt. No. 196.) Defendant argues the court erred when it imposed a consecutive, rather than a concurrent sentence. Defendant asserts reasonable jurists could disagree with the court's decision.

This court already reviewed the motion for the purpose of a certificate of appealability on this issue and declined to issue a certificate. Therefore, Defendant's motion for a certificate of appealability (Dkt. No. 196) is **DISMISSED AS MOOT. IT IS SO ORDERED.**

Date: March 29, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge